

REMARKS

This communication is a full and timely response to the final Office Action dated September 24, 2009. Claims 1-14, 16, 19-25, 30-37, 39, and 42-46 remain pending. By this communication, claims 15, 17, 18, 26, 28-30, 38, 40, and 41 are canceled without prejudice or disclaimer to the underlying subject matter, and claims 1, 16, 19-25, 27, 30, 31, 39, 42, and 43 are amended.

Applicant's claims were variously rejected for alleged unpatentability. In particular, in numbered paragraph 3 on page 2 of the Office Action, claims 1-10, 15, 16, 31-33, 44, and 45 stand rejected under 35 U.S.C. § 103(a) for alleged unpatentability over *Schroeder et al.* U.S. Patent Pub. No. 2003/0130883 and further in view of *Failing, Jr. et al.* 5,448,226; on page 6 of the Office Action, claims 21-25 stand rejected under 35 U.S.C. § 103(a) for alleged unpatentability over *Teicher et al.* U.S. Patent No. 5,933,813 and further in view of *Failing, Jr.*; on page 8 of the Office Action, claims 11-14 and 34-39 stand rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Schroeder* in view of *Failing, Jr.*, and further in view of *Teicher*; in numbered paragraph 6 on page 11 of the Office Action, claims 17-20 and 40-43 are rejected under 35 U.S.C. §103 for alleged unpatentability over *Schroeder* in view of *Failing, Jr.* and further in view of *Kanojia et al.* U.S. Patent No. 6,845,396; and in numbered paragraph 7 on page 12 of the Office Action, claims 26-30 are rejected under 35 U.S.C. § 103(a) for alleged unpatentability over *Teicher* in view of *Failing, Jr.* and further in view of *Kanojia*. Applicant respectfully traverses these rejections.

Independent claims 1, 21, and 31 are amended to include the subject matter previously recited in now canceled claims 15, 17, 18, 26, 28, 29, 38, 40, and 41,

where applicable. As a result, Applicant will address the rejection of claims 1, 21, and 31 with respect to the Examiner's comments concerning the canceled claims.

Independent claims 1, 21, and 31 variously recite, among other features, that the promotion information includes a schedule that is encrypted and the promotion and price computation model is developed based on the schedule of the promotion information, wherein the promotion schedule is decrypted on a segment-by-segment basis such that only information from a current segment is decrypted.

Contrary to the Examiner's assertions, the combination of *Schroeder*, *Failing, Jr.*, and *Kanojia* fails render Applicant's claims obvious.

Beginning on page 11 of the Office Action, the Examiner acknowledges that the combination of *Schroeder* and *Failing, Jr.* fail to disclose or suggest that the promotion information includes a promotion schedule that is encrypted and decrypted on a segment-by-segment basis as recited in the claims. *Kanojia* is relied upon in an effort to remedy this deficiency.

Kanojia discloses a system that dynamically targets network devices for content deployment and users of network devices for promotions, such as advertisements offered by Internet e-commerce sites. See Kanojia, Abstract. The system includes a data store that stores the content to be deployed and an activation schedule that indicates when to activate the content or promotions. The activation can be event driven, scheduled from the system server, or initiated by the system manager. See col. 11, lines 43-50. *Kanojia* also discloses that an Internet connection between the server system and the central office is over a Virtual Private Network providing a private, secure, encrypted connection tunnel. Id., col. 5, lines 43-49.

Kanojia discusses that deployed content can be installed on a targeted network device and activated based on a date and time provided in a message from the system agent. Id., col. 13, lines 1-25. Based on this guidance, one of ordinary skill would understand that *Kanojia* discloses a system in which promotion content is **activated** based on a promotion schedule. This concept is in stark contrast to Applicant's claimed features in which based on the promotion schedule, the promotion information is **decrypted** on a segment-by-segment basis. It should be readily apparent that in the system described by *Kanojia*, the content must be decrypted before it can be installed on the network device. Given that the decryption is not precipitated by the promotion schedule, it follows that the features described in *Kanojia* when viewed in concert with the features of *Schroeder*, and *Failing, Jr.*, do not render the claims obvious.

In summary, *Schroeder*, *Failing, Jr.*, and *Kanojia* when applied individually or in combination as alleged by the Examiner, fail to disclose or suggest every feature and/or the combination of features recited in Applicant's claims. For at least these reasons, a *prima facie* case of obviousness has not been established.

As noted above, the Examiner also applied *Teicher* in an effort to remedy the acknowledged deficiencies of *Schroeder*, and *Failing, Jr.*, where applicable. While not acquiescing to the alleged teachings of *Teicher*, Applicant respectfully submits that this reference when applied individually or collectively with *Schroeder*, *Failing, Jr.*, and *Kanojia* do not disclose every feature and/or the combination of features recited in Applicant's claims. Namely, the encryption and decryption of a promotion schedule as is variously recited in claims 1, 21, and 31. For these reasons and those discussed in detail above, a *prima facie* case of obviousness has not been

established, and withdrawal of all rejections under 35 U.S.C. §103 is deemed appropriate.

Conclusion

Based on the foregoing amendments and remarks, Applicant respectfully submits that claims 1-14, 16, 19-25, 30-37, 39, and 42-46 are allowable and this application is in condition for allowance. In the event any unresolved issues remain, the Examiner is invited to initiate an interview with Applicant's representative in an effort to expedite prosecution of this application.

Respectfully submitted,

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